

On Monday, October 2, 2000, at 10:30 a.m., in accordance with NCGS 143.318, and upon a motion by **Commissioner Ikerd**, and unanimously carried, the Board agreed to convene in closed session to consult with its attorneys regarding:

1. Anticipated legislation;
2. Three lawsuits: (a) the Estate of Heather Marie Sizemore, Alan Ray Sizemore, Administrator v. Frye Regional Medical Center, Inc., et al (Superior Court Division, 00-CvS-1596); (b) Sidney Tyrone Ramseur and Caryon G. Ramseur v. Catawba Memorial Hospital, et al (Superior Court Division, 00-CvS-2783); and (c) Craig Baisley d/b/a Alamo Music & Games, et al vs. James N. Sellers, Sheriff of Anson County, et al. (Superior Court Division 00-CvS 7235).

PHOTO SESSION

Prior to entering the closed session, Photographer Benjamin Porter, photographed as a group, the Commissioners, County and Staff Attorneys, County Manager, and County Clerk in sitting and standing positions at the dais.

At 10:37 a.m., present in the Executive Chambers were Chair Robert E. Hibbitts, Vice-Chair Marie H. Huffman, and Commissioners Katherine W. Barnes, Barbara G. Beatty, and W. Steve Ikerd. Also, present were Staff Attorney Debra Nass Bechtel, County Attorney Robert Oren Eades, County Manager J. Thomas Lundy, Assistant County Manager Steven D. Wyatt, and County Clerk Virginia W. Sobotkin.

PROPERTY ACQUISITION B CHARLES S. AND JACK C. WILFONG\ CHARLOTTE E., ROBERT THOMAS MAUSER; AND SARA K. MAUSER

Staff Attorney Bechtel referred to the Board's action in regular session regarding the budget revision to allow her to file a condemnation complaint with the Clerk of Superior Court against Charles S. Wilfong, Jack C., Wilfong, Robert Thomas Mauser, Charlotte E. Mauser, and Sara K. Mauser.

She informed the Board of improved negotiations with the Wilfongs and their Attorney Robert A. Mullinax. The Wilfongs were looking at other property and Mr. Mullinax on their behalf had asked for a time when they must vacate the property. She had advised him the Wilfongs could probably stay at least until January 1, 2001; however, it could be up to three years before the landfill operation would need that area, and possibly they could remain until that time.

She had visited the property because of the historic structures Cschoollhouse, homeplace, and barn. The Catawba County Historical Association was interested in the structures. She had discussed containing the area near the schoolhouse and barn as a historical park. This had been well received by the Wilfongs' attorney.

She stated that due to the favorable conversations with the Wilfongs and their Attorney, she had agreed to delay filing the complaint.

Attorney Bechtel reminded the Board of the need for 16.5 acres of a 69.25-acre tract on Wilfong Road (Parcel 361702796313) owned by Terry Dennis Knox. Mr. Knox had discussed the possibility of the County buying the entire tract. The possibility of the Wilfongs moving onto the residual Knox acreage was discussed with Mr. Mullinax.

Mauser Property

The County Manager stated the City of Newton had requested a permit for land application on the Mauser tract. He had been in touch with the Newton City Manager, Edward F. Burchins, to advise him the County was preparing to file condemnation documents on Mauser property. If Newton's proposed land application permit was for property included in the condemnation, he had advised him the County would file an objection with the State. Mr. Burchins later told him Newton would not be using the property for this purpose and had withdrawn its permit application.

LAWSUITS

Staff Attorney Bechtel apprised the Board of the status of the three lawsuits:

The Estate of Heather Marie Sizemore, Alan Ray Sizemore, Administrator v. Frye Regional Medical Center, Inc., et al (Superior Court Division, 00-CvS-1596)

Catawba County and Catawba County Emergency Medical Services had been named as defendants. The County had insurance coverage for this type of claim with Sedgewick James. Copies of the lawsuit and other documents had been supplied to the firm for its investigation and action.

Sidney Tyrone Ramseur and Caryon G. Ramseur v. Catawba Memorial Hospital, et al (Superior Court Division, 00-CvS-2783)

Catawba Memorial, the defendant, was considered an agency of Catawba County. Because of this Catawba County was included in the lawsuit by the Plaintiff. The law firm of Patrick, Harper and Dixon were handling the case for the hospital and would work on having the County dismissed as a defendant.

Craig Baisley d/b/a Alamo Music & Games, et al vs. James N. Sellers, Sheriff of Anson County, et al. (Superior Court Division 00-CvS 7235)

A number of videogame manufacturers had sued Sheriff s in ten counties and Attorney General Easley. The Counties were Anson, Burke, Caldwell, Catawba, Cleveland, Cumberland, Randolph, Rutherforddon, Stanley and Union. She stated it was not clear why Catawba County was included in the suit since the Sheriff's Department had not taken or destroyed any machines under a new Statute that is being challenged in the Lawsuit. The suit, filed in Cumberland County, had no money involved at this time. The Judge did not issue a temporary restraining order and transferred nine defendants' cases back to their respective counties.

ADJOURNMENT

At 11:00 a.m., the Board returned to regular session and adjourned.



Robert E. Hibbitts, Chair



Virginia W. Sobotkin, Clerk